

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL MALCON	:	CIVIL ACTION
	:	
v.	:	
	:	
LINDA J. NAUROTH, DEPARTMENT OF	:	
CORR.	_____:	NO. 02-4525

O R D E R

AND NOW, this _____ day of July, 2002, plaintiff having failed to file a completed motion to proceed in forma pauperis, as required by 28 U.S.C. § 1915(a)(2),¹ IT IS HEREBY ORDERED that:

(1) Plaintiff's motion to proceed in forma pauperis is DENIED;

(2) Plaintiff may reassert this action in the United States District Court for the Middle District of Pennsylvania, where venue appears to be properly laid pursuant to 28 U.S.C. § 1331(b);²

(3) The Clerk of Court shall retain the original records filed in this case in the civil action file, and forward copies of these records to plaintiff with this order;

1. Plaintiff's motion to proceed in forma pauperis lacks a certified copy of his inmate trust fund account statement for the six-month period prior to the Court's receipt of his complaint.

2. Because plaintiff's claim arose at S.C.I. Frackville, which is located in the Middle District of Pennsylvania, and the defendant in this action is an employee of S.C.I. Frackville who appears to reside in the Middle District of Pennsylvania, plaintiff's complaint may not be brought in the United States District Court for the Eastern District of Pennsylvania.

(4) The Clerk of Court shall CLOSE this action statistically.

BY THE COURT:

R. BARCLAY SURRICK, J.

